

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1414

LINDA N. CARR,

Plaintiff - Appellant,

v.

HUTCHENS, SENTER, KELLAM, & PETTIT, P.A.; BANK OF AMERICA,
d/b/a BANA; W. R. STARKEY; COUNTRYWIDE; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC; W. R. STARKEY MORTGAGE, LLP,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Robert J. Conrad,
Jr., District Judge. (3:14-cv-00532-RJC-DSC)

Submitted: July 21, 2016

Decided: July 25, 2016

Before SHEDD, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Linda N. Carr, Appellant Pro Se. Lacey Meredith Moore, HUTCHENS
LAW FIRM, Charlotte, North Carolina; Alexander Carter Covington,
MCGUIREWOODS, LLP, Charlotte, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Linda N. Carr seeks to appeal the district court's orders dismissing Carr's civil action and denying her postjudgment motion for relief. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

The district court's dismissal order was entered on the docket on May 19, 2015, and its order denying Carr's motion for postjudgment relief was entered on October 19, 2015. The notice of appeal was filed on April 12, 2016. Because Carr failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.

In this appeal, Carr has filed a petition for a writ of mandamus, seeking an order from this court directing the district court to vacate its prior rulings. Mandamus is a drastic remedy and should only be used in extraordinary circumstances. United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Moreover, mandamus relief is available only

when the petitioner has a clear right to the relief sought, In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988), and may not be used as a substitute for appeal, In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). The relief Carr seeks is not available by way of mandamus.

For these reasons, we deny leave to proceed in forma pauperis, dismiss the appeal for lack of jurisdiction, and deny the pending petition for a writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED